



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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**APPROVAL of the COOPERATIVE PLAN
under Section 66.0307, Wis. Stats.**

between the

**CITY OF WATERTOWN and
TOWN OF EMMET,
DODGE COUNTY**

October 15, 2015

Introduction

In accordance with s. 66.0307(5) of the Wisconsin Statutes, the Wisconsin Department of Administration (Department) approves the *Intergovernmental Cooperative Plan between the City of Watertown and the Town of Emmet* (hereinafter called the Cooperative Plan).

The municipalities developed this Cooperative Plan for the following reasons:

- **Maintain Good Relationships** – the City and Town have enjoyed a positive relationship for many years and recognize their social community and shared business success. They desire to maintain and continue to build those ties.
- **Set Municipal Boundaries** - part of the Town is designated as future ‘City Growth Area’ with the remainder being designated as ‘Town Growth Area’. Establishing long-term boundaries will enable the City to grow in an orderly manner and provide the Town with certainty regarding its future.
- **Eliminate Town Islands** – enable the City to acquire existing Town islands and prevent their occurrence in the future. A number of town islands contain urban development but are not receiving city services, while other islands have become blighted.
- **Promote Compact Development** – lands within the City Growth and Town Growth Areas will be carefully planned and developed in accordance with the two communities’ comprehensive plans, ordinances, design standards, and municipal services.
- **Extraterritorial Jurisdiction** – the City agrees to relinquish its extraterritorial jurisdiction within the Town Growth Area.
- **State Highway 26 By-Pass** – the Wisconsin Department of Transportation has delineated the STH 26 By-Pass route around the City and completed construction of this new highway within the Town. This By-Pass tends to outline and define a City Growth Area within the Town which is best served with City municipal services. This Cooperative Plan sets forth City Growth Area specifics.

Public Hearing, Resolutions, Referenda and other Procedural Matters

Before a cooperative plan is submitted to the Department, a number of procedural steps must occur. These are:

- Joint initiating resolutions passed by each participating municipality authorizing its governing body to work to negotiate and develop the plan;
- A joint public hearing to receive comments from the public and other governmental bodies; and
- Resolutions adopted by each municipality to approve a final version of the cooperative plan and forward it to the Department for review.

The following procedural steps may occur:

- An advisory referendum; and
- A public hearing held by the Department.

No area residents requested that an advisory referendum on the Cooperative Plan be held, and no area residents requested that the Department hold a public hearing.

Authorizing resolutions were passed by the Town of Emmet on April 8, 2014 and by the City of Watertown on April 15, 2014. As required by s. 66.0307(4)(a) Wis. Stats., these resolutions were distributed to neighboring municipalities and other area jurisdictions.

The required joint public hearing was held on June 17, 2014. There were no appearances by any party, nor any comments made in writing.

After the public hearing, the Dodge County Land Resources and Parks Department submitted its required comment letter on July 16, 2014. The county is supportive of the Cooperative Plan Agreement and finds that it will have minimal effect on Dodge County.

The City of Watertown adopted a resolution approving the Cooperative Plan on August 6th, 2014 with the Town approving it on August 11th, 2014. The communities forwarded the Cooperative Plan to the Department for its statutory review on November 24, 2014.

On February 20, 2015, the Department granted the communities' request for a 90-day extension of the Department's review period in order to compile needed information regarding the Cooperative Plan's consistency with their comprehensive plans, and also to resolve questions regarding the mechanisms for transferring territory.

On May 18, 2015, the Department granted the communities' request for an additional extension in order to complete the needed information.

Approval Criteria Applicable to the Department

A cooperative plan shall be approved by the Department if the Department determines that each of the criteria in s. 66.0307(5)(c), Wis. Stats., is met. The following paragraphs describe how the communities' Cooperative Plan relates to these criteria. It is important to understand that this approval document is not a complete restatement of the plan. Those wanting to learn specific details, provisions, nuances, and conditions should look to the text of the Cooperative Plan itself, which is available from the City of Watertown and the Town of Emmet, and also at the Department of Administration's website at: <http://doa.wi.gov/municipalboundaryreview>.

(1) The content of the plan under sub. S. 66.0307(3)(c) to (e) is sufficient to enable the Department to make the determinations under subds. 2 to 5m. s. 66.0307(5)(c)1, Wis. Stats.

Information required by statute, and provided in a clear manner by the parties, includes the following fundamental details:

- **Territory subject to the Plan** – the territory subject to the Cooperative Plan is shown in Exhibits A, B, and C of the plan and includes all of the Town of Emmet.
- **Transfer of certain territory** – this Cooperative Plan results in the transfer to the City of four (4) designated Boundary Adjustment Areas located within the larger City Growth Area. These areas are shown at Exhibit B in the Cooperative Plan and are the following:
 - Welsh Road Area – shown as “1” in Exhibit C of the Cooperative Plan, this area will attach to the City in 3 years.
 - Brandt-Quirk Park Railroad Right-of-Way Area – shown as “2” in Exhibit C of the Cooperative Plan, this area will attach to the City in 1 year.
 - Highway 16 Railroad Right-of-Way Area – shown as “3” in Exhibit C of the Cooperative Plan, this area will attach to the City in 1 year.
 - Highway 16 Residential Area – shown as “4” in Exhibit C of the Cooperative Plan, this area will attach to the City in 10 years, unless residents’ private on-site wastewater treatment systems fail, in which case they must attach to the City earlier.

In addition to these designated areas which *shall* transfer to the City, two situations are identified where territory *may* transfer to the City. The two situations are:

- 1) Remaining City Growth Area – territory within the City Growth Area may also attach or annex to the City if requested by the landowner(s); and
 - 2) Future Town Islands – areas within the City Growth Area which become functionally surrounded by the City due to incremental attachments or annexations may be declared by the City to be *Town Islands* and attached by the City.
- **Revenue Sharing** – the City agrees to share property tax revenue with the Town from attached parcels within the City Growth Area, if those parcels assessed value exceeds \$1 million.
 - **Restrict Town Growth within City Growth Area** - parcels located in the City Growth Area, but still under Town jurisdiction, may develop but subject to certain limitations such as maximum density, lot creation and layout, design standards, street layout, issuance of building permits, and zoning enforcement.

- **Development in Town Growth Area** – the Town’s zoning will control development within the Town Growth Area. The Town intends to permit agricultural uses, low-density residential development, and some neighborhood/crossroads commercial development. Larger “big box” retail stores are only allowed upon the City’s consent.
- **Coordinate Comprehensive Plans** – the communities agree that the City’s comprehensive plan will take precedence in the City Growth Area while the Town’s comprehensive plan will take precedence in the Town Growth Area.
- **City Extraterritorial Powers** – the communities agree that the City’s extraterritorial plat review authority and extraterritorial zoning authority will be limited to the City Growth Area. City extraterritorial authorities will not apply within the Town Growth Area.
- **Incorporate a 2013 General Agreement** – the Cooperative Plan incorporates all provisions of a general intergovernmental agreement under s. 66.0301 Wis. Stats. that was previously entered into between the City and Town in 2000 and updated in 2013.
- **Establish Future Joint Discussion and Planning** – the City and Town agree to review the Cooperative Plan’s functioning at periodic intervals of at least every five years to ensure smooth and effective implementation.
- **Services** – the Cooperative Plan addresses a number of City services, such as sewer and water service as well as stormwater management, building inspection, zoning, and extraterritorial review.
- **Term** – the Cooperative Plan was approved by the parties on September 29, 2014 and is implemented on October 15, 2015. It will continue to operate for a 19-year period until its expiration on December 31, 2032.

The above information, along with other information included in the Cooperative Plan, provides sufficient detail to enable the Department to find that the standards in s. 66.0307(3)(c)1. Wis. Stats. have been met.

(2) *Is the cooperative plan consistent with each participating municipality’s comprehensive plan and with current state laws, municipal ordinances and rules that apply to the territory affected by the plan? s. 66.0307(5)(c)2 Wis. Stats.*

According to the City and Town, this Cooperative Plan is consistent with both communities’ comprehensive plans. Specific examples include:

- (a) Establishing Town boundary security to assist in future Town planning and budgeting efforts.
- (b) Resolving existing boundary, land use and municipal service issues between the Town and the City.
- (c) Pro-actively positioning the Town to avoid costly annexation lawsuits.

- (d) Providing continual development for the Town to replace tax base lost to City growth, so that the Town may also have an ever-renewing and expanding tax base and a pool of citizen leadership.
- (e) Planning and focusing growth into identified areas to ensure compatibility of land uses.
- (f) Working toward the development of consistent ordinances and building codes in order to regulate use, building location and appearance.
- (g) Meeting the objectives of Wis. Stat. § 66.1001(2)(g) by encouraging cooperative planning between the Town and the City.

This Cooperative Plan is also consistent with each community's comprehensive plan because it incorporates the extra-territorial zoning and subdivision review, municipal revenue sharing, incorporation, and conflict resolution provisions contained in those plans.

The communities anticipate amending their comprehensive plans in the future in order to further integrate their Cooperative Plan with their comprehensive plans. Specifically, the Town agrees to amend its ordinances so as to require conditional use approval for all non-agricultural land divisions or development.

The City and Town believe that the Cooperative Plan is compliant with all federal, state, and local regulations, statutes, and ordinances. They have examined possible impacts, including environmental consequences to air, water, and land use among others, and find no adverse impacts or conflict with existing laws and regulations. Also, the Dodge County Land Resources and Parks Department reviewed the cooperative plan and indicated its strong support.

Additionally, none of Watertown or Emmet's municipal neighbors have voiced any comments or issues of concern.

For the foregoing reasons, the Department finds that the Cooperative Plan is consistent with each community's comprehensive plan and with all current state laws, municipal regulations and administrative rules and that the standard in s. 66.0307(5)(c)(2) Wis. Stats. is therefore met.

(3) Adequate provision is made in the cooperative plan for delivery of necessary municipal services to the territory covered by the plan. s. 66.0307(5)(c)(3), Wis. Stats.

Provision of future services was a primary impetus for this Cooperative Plan. The City of Watertown desires to expand in the most efficient manner possible, with new roads, sewer and water, and other infrastructure staged in an orderly and planned manner within the City Growth Area. The Town of Emmet meanwhile intends its Town Growth Area to remain primarily rural and low density in character, with lower service demands.

The services specifically addressed by the Cooperative Plan are:

- **Sewer and Water** – following attachment, properties within the City Growth Area are required to connect to the City's municipal sewer and water systems within 1 year.
- **Building Inspections/Zoning Enforcement** – the City may perform all building inspection and zoning enforcement services and functions within the City Growth Area.
- **Extraterritorial Review** – the City agrees to limit its statutory extraterritorial review authority to within the City Growth Area. It waives its right to exercise extraterritorial review authority in the Town Growth Area.
- **Stormwater Management** – the Town and City agree to cooperate with stormwater management in the City and Town Growth Areas by reviewing water drainage tendencies.

For all the foregoing reasons, the Department finds that adequate provision has been made for the delivery of necessary municipal services to the agreement territory, and that the standard in s. 66.0307(5)(c)3, Wis. Stats., is met.

(4) The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions and such features as rivers, lakes and major bluffs. s. 66.0307(5)(c)(5), Wis. Stats.

This Cooperative Plan promotes a long-term, environmentally sound, compact and cost-effective pattern of future growth within the City Growth Area. The City and Town agree that the City Growth Area will be a transition area between the communities, which the City will gradually expand into as residents desire to develop their property and as municipal sewer and water and other city services become available. The communities acknowledge that haphazard or premature residential development could prevent efficient use of land resources and service provision. This Cooperative Plan also promotes a compact municipal boundary line by eliminating current town islands and peninsulas and preventing the creation of new ones.

The Cooperative Plan also promotes compactness by stabilizing land uses in the Town Growth Area, an area into which annexation will be limited. The Town desires to preserve working farms and sustainable agricultural development patterns.

Without this Cooperative Plan, development would still occur, however it could possibly be sprawling, unplanned, and inefficient, and could result in area farmers making an economic decision to abandon farming. This would blur the boundaries between the two communities and between urban and rural land uses.

For all of the foregoing reasons, the Department finds that this Cooperative Plan is compatible with the surrounding community, will result in compact municipal boundaries, and that the standard in s. 66.0307(5)(c)5, Wis. Stats., is met.

(6) *Any proposed planning period exceeding 10 years is consistent with the plan.*
s. 66.0307(c)6 Wis. Stats.

The planning term for the Cooperative Plan was approved by the parties on September 29, 2014 and shall expire on December 31, 2032. The basis for the 19-year planning term is that the communities believe this amount of time is necessary to protect existing Town landowners from annexation against their will and for the City to fully assimilate the territory in the City Growth Area in an orderly and cost effective manner.

Because of the scope of this Cooperative Plan, including the detailed service provisions, land transfers, and area protected from annexation, a term exceeding 10 years is appropriate. The Department therefore finds that the standard in s. 66.0307(5)(c)6, Wis. Stats., is met.

Approval

This Cooperative Plan meets the statutory criteria of s. 66.0307, Wis. Stats. Pursuant to authority found in s. 66.0307(5), Wis. Stats., the Wisconsin Department of Administration hereby approves the City of Watertown and Town of Emmet's Cooperative Plan.

Henceforth, amendments or revisions to the plan can only occur with the approval of the City and Town, and with the concurrence of the Wisconsin Department of Administration or any successor agency granted the authority to administer the provisions of s. 66.0307(8), Wis. Stats. This Cooperative Plan is implemented on October 15, 2015 and remains in effect pursuant to the language and terms contained therein.

Dated this 16th day of October, 2015, by the Wisconsin Department of Administration:



Ed Eberle, Administrator
Division of Intergovernmental Relations
Wisconsin Department of Administration